ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. cxxiii.

An Act to enable the *London, Brighton, and South Coast* Railway Company to make new Railways from the *Ouse* Viaduct on their Main Line to *Uckfield* and *Hailsham*; and for other Purposes.

[23d *June* 1864.]

WHEREAS the Construction of Railways between the Main Line of the *London, Brighton, and South Coast* Railway, near the *Ouse* Viaduct, and the *Lewes and Uckfield* Branch of that Railway at *Uckfield*, and between the Railway authorized to be made by "The *Brighton, Uckfield, and Tunbridge Wells* Railway Act, 1861," at *Uckfield*, and the *Hailsham* Branch of the said *London, Brighton, and South Coast* Railway at *Hailsham*, would be of public and local Advantage, and it is expedient that the *London, Brighton, and South Coast* Railway Company should be empowered to construct the same, and to raise additional Capital for the Purpose: And whereas Plans of the said intended Railways, and of the Lands proposed to be taken for the Purposes of this Act, and Sections showing the Levels of the said Railways, together with a Book of Reference to such Plans, were on or before the Thirtieth Day of *November* last deposited with the Clerk of the Peace for the County of *Sussex*: And whereas it is expedient that the Agreement between the *London,*

The London, Brighton, and South Coast Railway (Ouse Valley Line) Act, 1864.

Brighton, and South Coast Railway Company and the *Brighton, Uckfield, and Tunbridge Wells* Railway Company, a Copy of which is set forth in the Schedule to this Act annexed, should be confirmed: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for any Purpose as "The *London, Brighton, and South Coast* Railway (*Ouse Valley* Line) Act, 1864."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Railways Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part I., relating to the Construction of a Railway, of "The Railways Clauses Act, 1863," except in so far as the same are respectively altered by this Act, shall be incorporated with this Act.

Certain Parts of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

3. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters; (that is to say,)

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of borrowed Money into Capital;

With respect to the Consolidation of Shares into Stock; and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested (which shall be held to extend to and include Part II., relating to Additional Capital, of "The Companies Clauses Act, 1863");

and Part II., relating to additional Capital, of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall in all respects, except where altered by or otherwise provided for in this Act, respectively apply to all Shares and Stock created, and to all Mortgages and Bonds granted, and Monies borrowed under the Powers of this Act; and in the incorporated Parts of the said Acts respectively

respectively the Expression "the Company" shall have the same Meaning as in this Act.

Interpretation of Terms.

4. In construing this Act the Expression "the Company" shall mean the *London, Brighton, and South Coast* Railway Company, and the Expression "the Railways" shall mean the Railways, Stations, Works, and Conveniences connected therewith by this Act authorized.

Same Meanings to Words in incorporated Acts as in this Act.

5. All Words and Expressions to which by any Act wholly or partially incorporated with this Act Meanings are assigned shall in this Act have the respective Meanings so assigned to them, unless the Subject or Context be repugnant to such Construction, or other Meanings be assigned to them by this Act.

Power to take Lands.

6. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may from Time to Time enter upon, take, and use all or any of the Lands defined upon the deposited Plans and described in the deposited Book of Reference.

Power to make Railways.

7. Subject to the Provisions of this Act and the Acts wholly or partially incorporated herewith, the Company may from Time to Time make and maintain in the Lines and according to the Levels shown on the deposited Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use, the Railways following, with all proper Approaches, Stations, Sidings, and other Works and Conveniences connected therewith; (that is to say;)

A Railway commencing in the Parish of *Cuckfield* in the County of *Sussex* by a Junction with the Main Line of the Company's Railway, near the *Ouse* Viaduct, and terminating in the Parish of *Uckfield* in the same County by a Junction with the *Lewes and Uckfield* Branch of the Company's Railway:

A Railway commencing in the Parish of *Uckfield* by a Junction with the Railway authorized to be made by "The *Brighton, Uckfield, and Tunbridge Wells* Railway Act, 1861," and terminating in the Parish of *Hailsham* in the same County by a Junction with the *Hailsham* Branch of the Company's Railway.

Certain Roads to be carried over Railway.

8. The Turnpike Road numbered on the deposited Plans 65, in the Parish of *Hailsham*, and the public Road numbered on the said Plans 58, in the same Parish, shall be carried over the Railway by One and the same Bridge, at such Point between the said Roads as the Company may deem most advisable, and for such Purpose the Company may (upon the Lands which they are by this Act authorized to acquire) make such Alterations in and Diversions of the Line

and

and Levels of the said Roads respectively as may be necessary for such Purpose.

Regulating Inclinations of certain Roads.

9. As regards the Roads next herein-after mentioned, the Company may make those Roads respectively, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads; (that is to say,)

No. of Road on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
136	Lindfield -	Public Highway	One in Twelve.
1	East Hoathly -	Turnpike Road	One in Thirteen on one Side and level on the other Side.
50	Chiddingly -	Public Highway	One in Sixteen and a Half on one Side and level on the other Side.

Lands for extraordinary Purposes.

10. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," purchase by Agreement any Quantity of Land adjoining or near to the Railways not exceeding Five Acres.

Powers for compulsory Purchases limited.

11. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Railways.

12. The Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised except as to so much of the Railways as shall then be completed.

Penalty for Noncompletion of Railways.

13. If the Railways by this Act authorized be not completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the Railways shall be completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company were prevented from completing or opening the Railways by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

14. The

New Railways to be Part of Undertaking.

14. The Railways and Works by this Act authorized to be constructed by the Company shall be deemed Part of the Undertaking of the Company, and the Byelaws, Rules, and Regulations for the Time being of the Company shall extend and apply thereto.

Tolls.

15. The Company may demand and take for the Use of the Railways herein-before described any Tolls not exceeding the Tolls prescribed by the "*London, Brighton, and South Coast* Railway (*Mitcham* and *Tooting* Lines, &c.) Act, 1863," as if the Railways authorized to be constructed under this Act had been comprised in "The *London, Brighton, and South Coast* Railway (*Mitcham* and *Tooting* Lines, &c.) Act, 1863."

Agreement with Brighton, &c. Railway Company confirmed.

16. The Agreement between the Company and the *Brighton, Uckfield, and Tunbridge Wells* Railway Company (a Copy whereof is set forth in the Schedule to this Act annexed) is hereby confirmed and made binding and obligatory on the Companies Parties thereto.

Application of Funds.

17. The Company may apply to the Purposes by this Act authorized any Money raised or to be raised by them by virtue of any other Act, and not required for the Purposes to which they are by any such other Act made specially applicable.

Power to raise further Money by new Shares, &c.

18. The Company may from Time to Time raise by the Creation of new Shares and Stock in their Undertaking, or by either of those Means, (in addition to such Sums of Money as they now are or by any other Act of the present Session of Parliament may be authorized to raise,) any further Sum not exceeding in the whole Three hundred and eighty thousand Pounds, and such new Shares or Stock may be either Ordinary or Preference Shares or Stock, or Part ordinary and Part preference, as the Company shall at the Creation thereof resolve: Provided always, that no Share shall be issued by the Company, or shall vest in the Person accepting the same, until not less than Twenty *per Centum* on the nominal Amount thereof shall have been paid thereon.

Vesting or other Disposition of new Shares.

19. Any new Shares or Stock created under the Powers of this Act which may be apportioned by the Orders of any Meeting of the Company among the then Shareholders shall vest in and belong to the then Shareholders or Proprietors of Stock, who shall by Writing under their Hands accept the same, and pay the Value thereof to the Company at the Time, and (as regards Shares) by the Instalments which shall be fixed by the Directors; and if any then Shareholder or Proprietor of Stock for One Month after such Offer of new Shares or Stock fail to accept the same, and pay in the Case of Stock the

nominal Value thereof, and in the Case of Shares the Instalments called for in respect thereof, the Directors may dispose of the same in such Manner as they may deem most for the Advantage of the Company.

Dividends on new Shares.

20. Every Person who becomes entitled to any new Share or Stock created under the Powers of this Act shall in respect of the same be a Shareholder or Proprietor in and of the Undertaking of the Company, and (except as otherwise provided by or under the Powers of this Act) shall be entitled to a Dividend with the other Shareholders or Proprietors proportioned to the Amount of such Stock, or to the whole Amount for the Time being paid up on such Share, as the Case may be.

Qualification, &c. for new Shares and Stock.

21. Except as by or under the Powers of this Act otherwise provided, all such new Stock shall in proportion to the Amount thereof, and all such new Shares shall in proportion to the Amount for the Time being paid up thereon, confer upon the respective Holders thereof the same Qualifications, Rights of Voting, and other Privileges as any ordinary Shares or Stock of the Company.

Receipt for Persons under Disability.

22. The Receipt of the Guardian of any Shareholder being a Minor, or the Committee of any Shareholder being an Idiot, a Lunatic, or Person *non compos mentis*, shall be a sufficient Discharge to the Company for any Money payable to such Shareholder.

Power to Company to raise Capital under any other Act of this Session and this Act by new Shares or Stock of One Class.

23. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act and this Act respectively, the Company, if they think fit, may raise by the Creation and Issue of Shares or Stock of one and the same Class all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of Shares or Stock.

Power to borrow on Mortgage.

24. The Company may from Time to Time raise any additional Sum not exceeding in the whole One hundred and twenty-six thousand Pounds by borrowing on Mortgage, but no Money shall be so borrowed until under the Powers of this Act the said additional Capital of Five hundred thousand Pounds shall have been subscribed for or taken, and One Half of that Amount shall have been paid up, and until the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for the whole of

of the said additional Capital of Three hundred and eighty thousand Pounds have been issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share, and that they are *bonâ fide* held by the Subscribers or their Assigns, or for which such Subscribers or their Assigns are legally liable.

Priority of existing Mortgages.

25. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall as regards the Undertaking comprised in and assigned by such Mortgages have Priority over all Mortgages granted by virtue of this Act.

Application of Money raised under this Act.

26. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or Stock, or on Mortgage, shall be applied to the Purposes of the Undertaking of the Company authorized by this Act.

Extending Powers for the Conversion of Shares into Stock.

27. The Powers of the Company for the Conversion of Shares into Stock shall extend to all Shares when the nominal Value thereof is or shall be fully paid up, whether paid up in pursuance of Calls, or wholly or partly in anticipation of Calls.

Extending to Money borrowed under this Act certain Powers of the Company under Acts herein named for Conversion of Debt into Debenture Stock and Annuities.

28. Subject and without Prejudice to any Mortgages or Bonds granted by the Company under any Act of Parliament and for the Time being in force, the Powers and Provisions of "The *London, Brighton, and South Coast* Railway Act, 1853," "The *London, Brighton, and South Coast* Railway Act, 1854," and "The *London, Brighton, and South Coast* Railway Company's Act, 1859," respectively, with respect to the Conversion of borrowed Capital into Debenture Stock and perpetual Annuities, the Creation and Issue of Debenture Stock, and the Grant and Sale of Debenture Stock, and of perpetual Annuities in lieu of and in substitution for borrowing or reborrowing and providing Funds for paying off Mortgages or Bonds, and otherwise relating to such Debenture Stock and Annuities, and the Application and Investment of the Money to arise from the Grant, Sale, and Issue of any Debenture Stock and perpetual Annuities, shall extend and apply to all Monies which the Company are by this Act authorized to borrow as fully and effectually as if all those Monies had been at the Date of the passing of "The *London, Brighton, and South Coast* Railway Act, 1853," authorized to be borrowed.

Separate Accounts of Application of Debenture

29. The Company shall keep accurate and separate Accounts of the Amount of Debenture Stock and Annuities from Time to Time created and disposed of by them, and of the Application of such Debenture

Stock and Annuities to be kept.

Debenture Stock and Annuities, and the Monies raised by the Disposal thereof, separate from the Accounts of other Stocks and Shares.

Interest not to be paid on Calls paid up.

30. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Powers of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Company's Capital.

31. It shall not be lawful for the Company, out of any Money by this or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Railways not exempt from Provisions of present and future General Acts.

32. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges and of the Rates for small Parcels authorized by this Act.

Expenses of Act.

33. All the Costs, Charges, and Expenses of and incident to the obtaining of this Act and preparatory thereto shall be paid by the Company.

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SCHEDULE referred to in the foregoing Act.

HEADS of AGREEMENT made the First Day of December in the Year of our Lord One thousand eight hundred and sixty-three between the London, Brighton, and South Coast Railway Company (herein-after called "the Brighton Company") of the one Part, and the Brighton, Uckfield, and Tunbridge Wells Railway Company (herein-after called "the Uckfield Company") of the other Part;

Whereby it is mutually agreed between the said Companies as follows:

1. This Agreement to be subject to and conditional upon—

(1st.) The Brighton Company in the next Session of Parliament obtaining Power to make and maintain a Railway commencing by a Junction with the Railway of the Uckfield and Tunbridge Wells Company near its Termination in the Parish of Uckfield, and terminating by a Junction with the Hailsham Branch of the London, Brighton, and South Coast Railway at or near the Hailsham Station, which proposed Railway is herein-after called "The Hailsham Extension Line;"

(2nd.) The Sanction by Parliament to the Arrangement hereby entered into.

2. The Provisions of this Agreement to commence and take effect so soon as the Hailsham Extension Line is authorized to be opened for public Traffic throughout, and to continue in force for the Period of Nine hundred and ninety-nine Years from that Day.

3. During the Continuance of this Agreement the Brighton Company to have Power at all Times to run and work over and use with their respective Engines and Carriages, Officers and Servants, and for the Purpose of all or any Part of their Traffic, that Portion of the Railway of the Uckfield Company which will lie between the Junction of the proposed Hailsham Extension Line therewith and the Termination of the said Railway at Uckfield, and the Watering Places and Supplies of Water, Approaches, Turn-tables, Signals, Signal Posts, Telegraphs, Works, and Conveniences necessary for such Traffic in, upon, or connected with the said Portion of Railway.

4. The Brighton Company, in running and working over and using the said Portion of Railway, Stations, and other Works and Conveniences as aforesaid, to be subject and to conform to the Byelaws for the Time being in force of the Uckfield Company, and to such reasonable and proper Regulations as the Uckfield Company may from Time to Time make and notify to the Brighton Company with respect thereto; any Question as to whether any such Regulations are reasonable and proper to be determined by Arbitration.

5. All Traffic Receipts of the Brighton Company from all Sources, except Terminals and Station Charges, in respect of Traffic passing over the said Portion of Railway, or any Part of it, to be apportioned between the Railways passed over according to Mileage Distance; and in estimating the Mileage due to the said Portion of Railway, the same or any Part of it used or passed over to be taken as a Quarter of a Mile.

6. The Brighton Company to pay over to the Uckfield Company Sixty per Cent. of the Mileage Receipts due to the said Portion of Railway as so ascertained, and such Payment to be in full Satisfaction for all Charge for the Brighton Company running and working over and using the said Portion of Railway and other Works and Conveniences as aforesaid, and for all Accommodation to be afforded to them under this Agreement.

7. The Brighton Company to be entitled to all the Terminals and Station Charges received by them for such Traffic.

8. The Brighton Company to keep all proper Accounts and Vouchers, and to allow all reasonable Inspection thereof by the Uckfield Company.

9. Proper Statements of Account to be made out and delivered by the Brighton Company half-yearly, and Payments to be made by them half-yearly on such Statements when settled.

10. Such running and working over and using of the said Portion of Way and other Works and Conveniences to be upon such further Terms and Conditions (if any) as are usual in like Cases, or are proper for carrying into effect the Arrangement hereby entered into; any Question as to such Terms and Conditions to be determined by Arbitration.

11. All Matters herein directed to be determined by Arbitration, and all Differences and Disputes as to this Agreement, or the Mode of carrying the same into effect, or otherwise arising out of it, to be determined by Arbitration under "The Railway Companies Arbitration Act, 1859," by a single Arbitrator, with all necessary Powers, to be agreed on by the said Companies, or, failing Agreement, to be appointed by the Board of Trade on the Application of either of them.

12. A formal Agreement for carrying these Heads into effect to be prepared on behalf of both Companies by a Barrister experienced in Railway Conveyancing to be agreed on or to be appointed by the Solicitor General for the Time being, such Agreement to contain such Details and incidental Provisions as he thinks proper, and with any Modifications which the Companies mutually agree on, and to be executed by them respectively under Seal.

In witness whereof the said Companies have hereunto set their respective Common Seals the Day and Year first above written.

Seal of the London, Brighton, and South Coast Railway Company.

Seal of the Brighton, Uckfield, and Tunbridge Wells Railway Company.

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